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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/044,410	01/10/2002	James R. Stolpmann	8266-0752	8926

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EXAMINER

LUU, TUYET PHUONG PHAM

ART UNIT

PAPER NUMBER

3673

DATE MAILED: 08/19/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/044,410

Applicant(s)

STOLPMANN, JAMES R.

Examiner

Teri P. Luu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-16 and 20-39 is/are rejected.
- 7) ☐ Claim(s) 17-19 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☒ Interview Summary (PTO-413) Paper No(s). 10
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

2. Claims 1, 3, 7, 8, 11, 12 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,014,784 to Taylor et al. in view of Hall et al.

Taylor et al. (Taylor) discloses a mattress comprising a non-puncture resistant cover 18 having an interior surface. A core is disposed adjacent the interior surface and includes a body defining a plurality of mounting locations. Each mounting location including an enclosure 17 and a plurality of gas containers 10 disposed within the enclosures. The containers are connected to a gas source 32. Taylor discloses that one of the containers is pressurized to a first pressure and another of the containers is pressurized to a second pressure that is different from the first pressure (col. 3, lines 6-12, 21-32, 46-50).

Taylor fails to disclose the gas container being self-sealing. However, Hall et al. (Hall) discloses flexible self-sealing sheeting comprising a flexible, puncturable sheet of cloth or polymeric material; a layer of self-adhering, water-resistant polyurethane sealing material; and an anti-tack barrier. Hall discloses that the sheeting can be used to form self-sealing articles. Since the gas containers of Taylor are prone to leakage in the event of puncture, one of ordinary skill in the art, concerned with preventing leakage in the gas containers, would have been obvious at the time the invention was made to use the sheeting of Hall et al. to form the gas containers so that the containers are capable of resealing in the event of a puncture.

3. Claims 9, 10, 15, 16 and 21-25 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Taylor in view of Hall as applied to claim 1 above, and further in view of U.S. Patent No. 5,421,044 to Steensen.

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Taylor, as modified, discloses the body comprising separate enclosures 17. Thus, Taylor, as modified, fails to teach the body including an upper layer and a lower layer connected at a plurality of seams thereby forming substantially cylindrical spaces for receiving the plurality of containers.

Steensen discloses a body comprising an upper layer and a lower layer connected at a plurality of parallel seams thereby forming substantially cylindrical spaces for receiving a plurality of containers, see Fig. 7. It would have been obvious to one having ordinary skill in the art at the time the invention was made replace the individual enclosures with an upper layer connected to a lower layer by a plurality of seams so as to provide a body which requires less material and is easier to manufacture.

With respect to a claims 15 and 27, Taylor, as modified, discloses a mattress comprising a core including a plurality of enclosures 10 including a self-sealing lining and each enclosure being affixed to an adjacent enclosure via the casing 17.

4. Claims 1, 3, 7, 8-13, 15, 16, 20, 21-23 and 25-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mollura in view of Hall and Taylor.

Mollura discloses a mattress comprising a body defining a plurality of mounting locations, each mounting location including an enclosure, see Fig. 8. A plurality of cylindrical gas containers 125, 128, 129, 132, 34, 136 are disposed within the plurality of enclosures. The enclosures provide a substantially cylindrical space. The containers are connected to a gas source, i.e., air.).

Mollura fails to disclose the mattress including a non-puncture resistant cover having an interior surface. Taylor discloses a mattress comprising a non-puncture resistant cover 18 having an interior surface. The cover defines an interior space bounded by the interior surface. A core is disposed adjacent the interior surface and includes a body defining a plurality of mounting locations. Each mounting location including an enclosure 17 and a plurality of gas

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containers 10 disposed within the enclosures. The cover is a cushioned top (col. 3, lines 11-12). One of ordinary skill in the art concerned with providing a cushioned or padded top to the Mollura mattress, would have looked to Taylor et al. for such a teaching. Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Mollura by providing a non-puncture resistant cover so as to provide a cushioned top to the mattress.

Mollura also fails to teach the containers being self-sealing. However, Hall discloses flexible self-sealing sheeting comprising a flexible, puncturable sheet of cloth or polymeric material; a layer of self-adhering, water-resistant polyurethane sealing material; and an anti-tack barrier. Hall discloses that the sheeting can be used to form self-sealing articles. Since the gas containers of Mollura are prone to leakage in the event of puncture, one of ordinary skill in the art, concerned with preventing leakage in the gas containers, would have found it obvious at the time the invention was made to use the sheeting of Hall to form the gas containers so that the containers are capable of resealing in the event of a puncture.

As concerns claims 13 and 26, claims 1 and 15 recite a "mattress for a bed having a frame...and siderails." Thus, applicant is claiming the subcombination of a mattress, with the frame and siderails being functionally recited. Therefore, any recitation with respect to the frame or siderails is functional and bears no patentable weight.

In reference to claims 15, 16, 21 and 22, Mollura, as modified, discloses a mattress including a non-puncture resistant cover and a core disposed adjacent the interior surface. The core includes a plurality of enclosures 125, 128, 129, 132, 134, 136. Each enclosure is affixed to an adjacent enclosure via the cell separating panels 128, 127, 130, 133, 135. The core includes an upper layer 121 and a lower layer (not referenced) connected at a plurality of seams 126, 127, 130, 133, 135.

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With respect to claim 27, Mollura, as modified, discloses a mattress including means for defining a core including a plurality of sealed enclosures (i.e., the containers) containing a gas, each enclosure being affixed to an adjacent enclosure via the cell separating panels, and means for automatically re-sealing a puncture in any of the plurality of enclosures to prevent gas from being released.

5. Claims 4-6, 9, 10, 14, 21, 22 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mollura in view of Hall and Taylor as applied to claims 1 and 15 above, and further in view of Steensen.

Mollura, as modified, discloses the claimed invention except it is silent as to the material from which the body is formed. Specifically, Mollura, as modified, fails to teach the body being formed of substantially non-stretchable material, e.g., non-stretchable fabric, such as woven nylon twill, or non-stretchable film. Steensen discloses a mattress comprising a body 65 defining a plurality of mounting locations 69. Each mounting location includes an enclosure and a plurality of gas containers 42 disposed therein. The body is formed of a textile material such as polyester cotton flannel, nylon or olefin (col. 4, lines 40-47 and col. 5, 4-6). Steensen discloses that the purpose of the enclosure is "to prevent the squeaking noises typically created when vinyl air tubes rub against each other." One of ordinary skill in the art, concerned with preventing squeaking noises within the mattress, would have found it obvious to form the body from a nylon material, as taught by Steensen.

As concerns claims 9, 10, 21 and 22, assuming arguendo that the panels can not be construed as seams, Steensen discloses a body comprising an upper layer and a lower layer connected at a plurality of parallel seams thereby forming substantially cylindrical spaces for receiving a plurality of containers, see Fig. 7. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the body as an upper layer

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connected to a lower layer by a plurality of seams so as to provide a body which requires less material and is easier to manufacture.

In reference to claims 14 and 24, Steensen discloses in the Background of the Invention that it is well known in the prior art to provide mattresses having compartments or containers which are independently controllable. Thus, it would have been within the knowledge of one skilled in the art to provide the containers with separate control means so as to be able to individually control the pressure of each of the separate containers.

6. Claims 28, 29, 33-36, 38 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mollura in view of Hall, Taylor and Cardinale.

Mollura, as modified by Hall and Taylor, discloses a mattress including a non-puncture resistant cover and a core. The core including a plurality of enclosures housing a plurality of containers (see paragraph 3). Mollura, as modified, discloses the claimed invention except for a frame and side rails connected to the frame on which the mattress is supported. Cardinale discloses a bed comprising a frame and side rails connected to the frame. It is well known in the bedding art to support mattresses on frames. Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the frame with side rails so as to provide "guarding protection lengthwise of the bed" as taught by Cardinale.

7. Claims 30-32 and 34-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mollura in view of Hall, Taylor and Cardinale as applied to claim 28 above, and further in view of Steenson.

Mollura, as modified, discloses the claimed invention except it is silent as to the material from which the body is formed. Specifically, Mollura, as modified, fails to teach the body being formed of substantially non-stretchable material, e.g., non-stretchable fabric, such as woven nylon twill, or non-stretchable film. Steensen discloses a mattress comprising a body 65 defining a plurality of mounting locations 69. Each mounting location includes an enclosure and

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a plurality of gas containers 42 disposed therein. The body is formed of a textile material such as polyester cotton flannel, nylon or olefin (col. 4, lines 40-47 and col. 5, 4-6). Steensen discloses that the purpose of the enclosure is "to prevent the squeaking noises typically created when vinyl air tubes rub against each other." One of ordinary skill in the art, concerned with preventing squeaking noises within the mattress, would have found it obvious to form the body from a nylon material, as taught by Steensen.

As concerns claims 34 and 35, Assuming arguendo that that panels of Mollura can not be construed as seams, Steensen discloses a body comprising an upper layer and a lower layer connected at a plurality of parallel seams thereby forming substantially cylindrical spaces for receiving a plurality of containers, see Fig. 7. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the body as an upper layer connected to a lower layer by a plurality of seams so as to provide a body which requires less material and is easier to manufacture.

Allowable Subject Matter

8. Claims 17-19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

9. In light of applicant's arguments, the finality of the last Office action is withdrawn. However, Applicant's arguments with respect to claims 1 and 2-39 have been considered but are moot in view of the new ground(s) of rejection.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Teri Pham Luu** whose telephone number is **(703) 305-7421**. The examiner can be best reached Monday-Friday from 6:30 am to 2:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Heather Shackelford**, can be reached at **(703) 308-2978**.

Submission of your response by facsimile transmission is encouraged. Technology Center 3600's facsimile number for all official papers is **(703) 872-9306**. Recognizing the fact that reducing cycle time in the processing and examination of patent applications will effectively increase a patent's term, it is to your benefit to submit responses by facsimile transmission whenever permissible. Such submission will place the response directly in our examining group's hands and will eliminate Post Office processing and delivery time as well as the PTO's mail room processing and delivery time. For a complete list of correspondence not permitted by facsimile transmission, see MPEP § 502.01. In general, most responses and/or amendments not requiring a fee, as well as those requiring a fee but charging such fee to a deposit account, can be submitted by facsimile transmission. Responses requiring a fee which applicant is paying by check should not be submitted by facsimile transmission separately from the check.

Responses submitted by facsimile transmission should include a Certificate of Transmission (MPEP § 512). The following is an example of the format the certification might take:

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If your response is submitted by facsimile transmission, you are hereby reminded that the original should be retained as evidence of authenticity (37 CFR 1.4 and MPEP § 502.02). Please do not separately mail the original or another copy unless required by the Patent and Trademark Office. Submission of the original response or a follow-up copy of the response after your response has been transmitted by facsimile will only cause further unnecessary delays in the processing of your application; duplicate responses where fees are charged to a deposit account may result in those fees being charged twice.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be directed to **heather.shackelford@uspto.gov**.

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that

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sensitive information could be identified or exchanged unless the record includes a properly signed expressed waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Any inquiry of a general nature relating to the status of this application should be directed to the group receptionist at **(703) 308-2168**.

A handwritten signature in cursive script, appearing to read "Teri Lu", written in black ink.

Teri Pham Luu
Primary Examiner

tpl
August 14, 2003